

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA * CASE NO. 3:21CR009
Plaintiff * JUDGE WALTER H. RICE
v. *
IZAAK KEMP * DEFENDANT'S SENTENCING
* MEMORANDUM
*
Defendant
* * * * * * * * * * * *

Statement of Facts

Counsel concurs with the Government's recitation of facts contained in their Sentencing Memorandum.

Argument

Counsel is submitting this written Sentencing Memorandum in the hopes that any sentence the court fashions will not include a period of confinement. There are no guidelines that pertain to this offense so therefore the court is bound solely by the Purposes and Principles of Sentencing contained in 18 USC section 3553(A). Generally these principles are as follows:

- (A) To reflect the seriousness of the offense; to promote respect for the law; and to provide sufficient just punishment to the Defendant.
- (B) To afford adequate deterrence to criminal conduct.
- (C) Protection of the Public from further crimes of the Defendant.
- (D) To provide the Defendant with needed Educational, Vocational, Medical care, or other correctional treatment in the most effective manner.

COX, KELLER
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The first principle to address is punishment for punishment's sake. These principles of punishment can be achieved without incarcerating the Defendant. We ask the court to follow the recommendations contained in the presentence report, except the recommendation for incarceration. We ask the court to allow the defendant to perform community service, seek mental health counseling and substance abuse counseling. These recommendations can best be accomplished if the Defendant is not incarcerated.

We ask the court to take into consideration that the Defendant voluntarily pled guilty, and he saved the government the time the expense and the cost of having to prosecute this offense. In addition the Defendant has no prior record, whatsoever. Also he has had no violations while on Presentence Release.

Government Counsel points out that the Defendant did not have a traumatic upbringing. While other individuals may have had a more challenging childhood; the Defendant's upbringing is far from ideal. His father left him early on in life and has had no contact with him. The Defendant's Single Mother was trying to support the Defendant and his autistic brother, causing the Defendant to grow up on his own.

The second principle involves individual as well as general deterrence. Certainly having been charged and convicted of a federal offense has deterred Mr. Kemp from further criminal action. He now has a federal conviction that will follow him for the rest of his life. We ask the court not to impose a harsher sentence for the sake of general deterrence. The people who know of this offense will see that the Defendant has lost his job, has been publicly humiliated and has been convicted of a Federal Crime. Further the Defendant suffers P.T.S.D. from the nature of his arrest. At least five different agencies stormed the Defendant's residence. Those agencies included the FBI, AFOSI, the Greene County Sheriff's Office, the Fairborn Police Dept. and Airforce Military Police. Mr. Kemp awoke to at least 10 agents in tactical gear in his house with an armored vehicle outside. There also were drones flying overhead. Certainly the search could have been conducted with a lesser show of force. The Defendant still has nightmares from this incident

The third principle is to protect the public from further crimes of the Defendant. The Defendant has lost his employment, his security clearance and can no longer have access to classified information. So there is no need to protect the public from further crimes.

Counsel would like the court to consider that the Defendant did not take this material with the purpose of undermining the Federal Government's Security. He made no profit from taking these documents, and he did not attempt to convey these documents to any entity with adverse interests to the United States of America. Had he done so he certainly would've been charged with far more serious offenses.

Finally please consider the fact that the Defendant helps provide support for his aging mother, and provides care for his autistic brother. These responsibilities placed on Mr. Kemp were increased when his mother had to undergo emergency surgery earlier this year.

In sum your Honor, we know that you will fashion a sentence that is right for the United States Government, our Society, and Izaak Kemp.

Respectfully submitted,

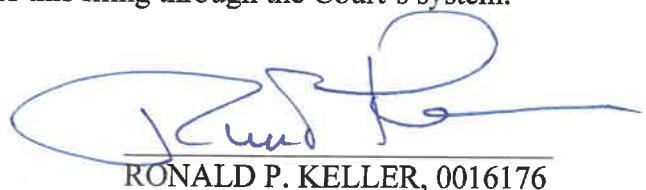
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BY: 

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CERTIFICATE OF SERVICE

I hereby certify that on May 21, 2021 a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.



RONALD P. KELLER, 0016176

FW: My son, Izaak Kemp

From: izaakkemp (izaakkemp@gmail.com)

To: cox_keller@yahoo.com

Date: Friday, May 21, 2021, 02:52 PM EDT

Ron,

Here is the sentencing letter from my mother, as we discussed.

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Susan Kemp <slorkemp@yahoo.com>

Date: 5/5/21 7:19 PM (GMT-05:00)

To: Izaak Kemp <izaakkemp@gmail.com>

Subject: My son, Izaak Kemp

My son does not believe that anything I write in this letter will matter. I choose to disagree and believe he will be seen as more than this one incident.

Izaak is a caring member of a three member family, a mom who is 75 and a brother who happens to have autism and will turn 40 in June.

I have watched Izaak care about others no matter what their gifts or lack of. I have watched his curiosity and high intelligence take him to earning his doctoral degree in electrical engineering. I have watched him care for his aging mother while I have been sick. I have watched him work with his brother on many issues that have not been easy and need a loving person to assist.

To date, he has lost his career, his house, and many future opportunities because of his actions. While I do not condone or excuse my sons criminal behavior, I know in my heart that Izaak is not a risk to society but a person who is extremely remorseful. Hopefully will be judged by his humanity and what he can contribute going forward, and not simply viewed as another statistic on a court docket.

Respectfully,

Susan L Kemp